

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MARIANNE PHELAN STEWART, R.N.
License Number: 0001-107442
Expiration Date: February 28, 2019
Case Number: 178102

**NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an informal conference has been scheduled before an Agency Subordinate of the Board of Nursing (“Board”) regarding your license to practice professional nursing in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before an Agency Subordinate of the Board.
DATE AND TIME:	September 12, 2017 at 1:00 p.m.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. After consideration of all information, the Agency Subordinate is authorized to take any of the following actions:

- If the Agency Subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice professional nursing in the Commonwealth;
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the Agency Subordinate may refer this matter for a formal administrative proceeding pursuant to Virginia Code § 2.2-4020.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the Agency Subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and refer the case to a formal hearing. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Agency Subordinate may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Agency Subordinate will rely in making a decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be considered by the Agency Subordinate when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

Deadline for filing materials: **September 5, 2017**. Submit 5 copies of all documents you want the Board to consider to Melvina Baylor, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **September 5, 2017**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **September 5, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Marianne Phelan Stewart, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.
2. Marianne Phelan Stewart, R.N., violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to mental illness, as evidenced by the following:
 - a. On or about January 20, 2017, Ms. Stewart was admitted to the psychiatric unit at U.VA. Health System, Prince William Medical Center, Manassas, Virginia (“PWMC”), pursuant to a temporary detention order (“TDO”) due to symptoms of mania and acute psychosis. She was discharged on or about January 26, 2017, with a diagnosis of unspecified psychosis not due to a substance or known physiological condition.
 - b. Records indicate that from about January, 2016 to January, 2017, Ms. Stewart received mental health treatment with Community Services Board, Behavioral Health, Manassas, Virginia (“CSB”), where her most recent diagnosis was schizoaffective disorder, depressive type. Following an emergency evaluation conducted on January 20, 2017, the CSB recommended that Ms. Stewart be admitted to psychiatric treatment pursuant to a TDO due to disorganized behavior which placed her at risk of harm. The CSB also noted the likelihood that she would deteriorate further if intervention was not commenced.
 - c. On or about December 22, 2016, Ms. Stewart was admitted to the psychiatric unit at PWMC after presenting with mania, pressured speech, and delusional thought processes. She was discharged on or about January 9, 2017, with a diagnosis of psychosis.
 - d. On or about December 20, 2016, Ms. Stewart was admitted to Dominion Hospital, Falls Church, Virginia (“Dominion”), pursuant to a TDO. She was discharged on or about

December 22, 2016, with a diagnosis of schizoaffective disorder. The clinical documentation record notes that Ms. Stewart had one other psychiatric admission to Dominion in July, 2016.

e. On or about December 20, 2016, Ms. Stewart was transported by the police from the CSB to the emergency department at PWMC under an emergency custody order (“ECO”) for a mental health evaluation after exhibiting bizarre behavior and “flight of ideas.” Ms. Stewart was diagnosed with psychosis, unspecified and subsequently transferred to Dominion.

f. On or about November 21, 2016, Ms. Stewart was transported by the police to the emergency department at PWMC under an ECO for a mental health evaluation due to concerns about Ms. Stewart’s behavior. She was diagnosed with mood disturbance and subsequently transferred to the psychiatric unit at INOVA Fairfax Hospital, Falls Church, Virginia.

g. Ms. Stewart’s records indicate that between on or about December 26, 2012 and May 30, 2013, she had approximately four psychiatric admissions to PWMC, both voluntary and involuntary, where she received diagnoses of bipolar disorder, depressed; depression; psychosomatic symptoms; and psychosis, not otherwise specified.

h. Ms. Stewart’s records indicate that between on or about January 10, 2012 and April 30, 2012, she had approximately five psychiatric admissions to PWMC, both voluntary and involuntary, where she was diagnosed with suicidal ideation and attempt; depressive disorder, psychosis, not otherwise specified; rule out bipolar mood disorder; manic episode with psychotic features; major depressive disorder; recurrent, severe, without psychotic features; personality disorder, not otherwise specified; and bipolar affective disorder, currently mixed.

i. Ms. Stewart’s records indicate that between on or about December 13, 2010 and November 14, 2011, she had approximately seven psychiatric admissions to PWMC, both voluntary and involuntary. Three of those admissions were secondary to suicide attempts where she intentionally

overdosed on medications. She was diagnosed with suicidal ideation and attempt; major depressive disorder, recurrent, stable; psychosis, not otherwise specified, stable; catatonic state; paranoid schizophrenia; and schizoaffective disorder. She received inpatient and outpatient electroconvulsive therapy treatments between on or about April 26, 2011 and July 21, 2011.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Stewart's health records or health services.



Jodi P. Power, R.N., J.D.
Deputy Executive Director
Virginia Board of Nursing

August 14, 2017
Date